

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF NEW YORK

NORTHERN DISTRICT UNIFORM PRESENTENCE ORDER

UNITED STATES OF AMERICA

V.

Criminal No: **09-cr-29 (GLS)**

JOSEPH BRUNO

A presentence report is ordered and the sentencing of this defendant is scheduled for, **March 31, 2010, at 9:00 a.m.** at the United States Courthouse in the city of **ALBANY**, New York. (Sentencing is scheduled approximately 120 days from the date of this order).

The presentence report shall be available no later than **forty-five (45)** days before the sentencing date. It shall be the obligation of defense counsel to obtain the report as soon as it is available and discuss its contents with his/her client. The Probation Office shall provide the government and defense counsel with a Notice of Presentence Report/Waiver form which **must** be executed by the parties and returned to the Probation Office.

Objections to the presentence report, either by the government or defense counsel, shall be submitted in writing (in letter form) to the U.S. Probation Office, and opposing counsel within **fourteen (14)** days of disclosure of the report. The government shall, at the same time, make known whether it is their intention to make a motion under U.S.S.G. Section 5K1.1, for substantial assistance to the authorities. Both the government and defense counsel shall, at the same time, make known their intention to make any other motion for departure.

After receipt of this information, the U.S. Probation Office shall, if necessary, schedule and hold a sentencing conference with the government and defense counsel to attempt to resolve the objections to the presentence report. Such conference, if held, shall be scheduled within **ten (10)** days of receipt of the

written objections.

No later than **fourteen (14)** days before sentencing all counsel **shall, unless otherwise directed by the Court**, submit a sentencing memorandum not to exceed 10 pages in length. This memorandum shall include objections to the presentence report which could not be resolved and any recommendations, motions or other material which may impact the sentence imposed.

The original memorandum shall be filed with the Clerk's Office and a courtesy copy shall be sent to the chambers of the sentencing judge. Copies of the submissions must be provided to the U.S. Probation Office and opposing counsel at the same time.

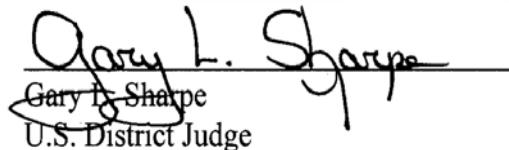
Parties must file any papers in response to these submissions within **three (3)** days thereafter and deliver a copy to the Clerk's Office, Chambers, to the U.S. Probation Office, and to opposing counsel. The U.S. Probation Office shall submit the presentence report with an addendum setting forth any unresolved objections to the Court no later than **seven (7)** days before sentencing. The Probation Office shall simultaneously provide the government and defense counsel with any revisions to the presentence report and the addendum.

NOTE: If for any reason, the government or defense counsel want any of their submissions sealed, they should prepare and submit an application to seal and provide the Court with a sealing order with the submission to be sealed.

The time limits stated in this order are in calendar days. These procedures must be followed to allow sufficient time for the Court to read and analyze the material submitted.

IT IS SO ORDERED.

Date: December 7, 2009



Gary L. Sharpe
U.S. District Judge